

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

AGILITI HEALTH, INC.,

Plaintiff,

v.

STEWARD HEALTH CARE SYSTEM
LLC,

Defendant.

Case No.: 3:24-cv-00065-K

**JOINT MOTION TO EXTEND JURISDICTIONAL BRIEFING DEADLINE AND
DEADLINE FOR DEFENDANT TO PROVIDE MEMBERSHIP INFORMATION**

On February 29, 2024, the Court entered an order granting the Joint Motion of plaintiff Agiliti Health, Inc. (“Agiliti”) and defendant Steward Health Care System LLC (“Steward”). Dkt. No. 25. The Court set a deadline of April 12, 2024, for Steward to inform Agiliti of the names and states of citizenship of each of its members through every organizational lawyer. The Court also granted the parties’ request to extend Agiliti’s jurisdictional briefing deadline, which was previously set for March 8, 2024, Dkt. No. 22, until April 19, 2024. *Id.*

Since the Court granted this extension, the parties made enormous progress in settling the case. Steward contends that—with its recent payment on April 12, 2024 (after multiple weekly payments since entry of the Court’s February 29 Order)—it has now paid 100% of the amounts demanded in this lawsuit (including all invoices that were outstanding as of the date Agiliti filed suit AND attorneys’ fees/expenses). Steward thus further contends that it has satisfied 100% of the claims in this lawsuit and that the lawsuit must be dismissed.¹ Agiliti agrees that Steward has

¹ Steward’s counsel maintains that on April 15, 2024, Locke Lord LLP provided Agiliti’s counsel with the list of Agiliti invoices necessary for Agiliti to verify that 100% of the remaining/unpaid invoices that were outstanding as of the date Agiliti filed suit (January 9, 2024) were paid as part of Steward’s April 12 payment.

paid at least the substantial majority of the invoices referenced in Agiliti's complaint. However, the parties' business relationship involves complex accounting issues with thousands of invoices having been issued by Agiliti and its affiliates, including some after this case was filed (which Steward maintains are not part of this lawsuit). Because of the complexity of the accounting issues involved, Agiliti is unable to agree with Steward's position at the present time. That said, Agiliti hopes to be able to agree in the coming days (in which case Agiliti will dismiss this case without prejudice).

On March 18, 2024, the parties filed their proposal for the contents of the scheduling and discovery order, Dkt. No. 26, and nothing in that proposed schedule needs to be changed, except in the Court's discretion.

Given the parties' beliefs and positions set forth above, they respectfully request a final extension of the deadlines in the Court's February 29, 2024, Order to give Agiliti sufficient time to verify Steward's contentions and for the parties to discuss any other matters warranting discussion. Specifically, the parties jointly² respectfully request the entry of an Order, substantially in the form of the attached proposed order, extending Agiliti's time to file its jurisdictional brief to May 7, 2024, and requiring Steward to inform Agiliti in writing of the names and states of citizenship of each of its members through every organizational lawyer by April 30, 2024.³ The parties do not seek these extensions for purposes of delay but rather to minimize the resources used and to allow them to focus on settlement.

² For the avoidance of doubt, Steward maintains that its April 12 payment (together with its prior payments to Agiliti) mooted the April 12 and 19 deadlines the Court set in its February 29, 2024 Order, Dkt. No. 25. Without waiving its right to continue to assert that there are no active claims in this lawsuit and that the lawsuit should be dismissed without Steward providing jurisdictional information to Agiliti and/or without Agiliti briefing the Court on the same, Steward decided to join the instant motion to set forth its reasoning to the Court.

³ The Court previously ordered Steward to file an amended certificate of interested persons/disclosure statement "within 7 days" of Agiliti's jurisdictional briefing. Steward's amended certificate would therefore be due by May 7, 2024, if the Court grants this Joint Motion.

It is respectfully submitted that, in light of the parties' settlement discussions, good cause exists to grant this motion.

Respectfully submitted this 15th day of April 2024.

COWLES & THOMPSON, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2024, I electronically filed the above document using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

/s/ David M. Mannion _____

David M. Mannion